

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SOTHY HENG,)	
)	
Plaintiff,)	
)	CIVIL ACTION
v.)	FILE NO. _____
)	
STATE FARM FIRE AND)	[On removal from the Superior Court
CASUALTY COMPANY,)	of Gwinnett County, Civil Action File
A foreign corporation,)	No. 22-A-10787-11]
)	
Defendant.)	

NOTICE OF REMOVAL

Comes now, STATE FARM FIRE AND CASUALTY COMPANY (hereinafter “State Farm”), by and through its undersigned counsel, and hereby files this Notice of Removal, respectfully showing this Honorable Court as follows:

1.

On December 20, 2022, Plaintiff SOTHY HENG (the “Plaintiff”), by and through counsel, filed a Complaint against State Farm in the Superior Court of Gwinnett County, Georgia, styled as *SOTHY HENG v. STATE FARM FIRE AND CASUALTY COMPANY*, assigned Case No. 22-A-10787-11 (the “Superior Court Action”). True and correct copies of all process, pleadings, and orders served upon

this defendant to date in the Superior Court Action are collectively attached hereto as **Exhibit “A.”**

2.

The Complaint and Summons in this action were served upon State Farm on December 22, 2022, the date on which State Farm first received the Complaint and notice of this lawsuit. Thus, removal is timely under 28 U.S.C. § 1446(b).

3.

The United States District Court for the Northern District of Georgia, Atlanta Division, embraces Gwinnett County, Georgia. Removal to this Court is therefore proper under 28 U.S.C. § 1441(a).

4.

Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal, State Farm will give written notice to the Plaintiffs by notifying their attorney of record, Foster L. Peebles, Esq., of The Huggins Law Firm, LLC, and will file a copy of this Notice of Removal with the Clerk of Superior Court of Gwinnett County, which shall effect the removal.

DIVERSITY JURISDICTION

5.

The United States District Court for the Northern District of Georgia, Atlanta Division, possesses diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

6.

Upon information and belief, the Plaintiff SOTHY HENG was previously a resident of McDonough, Georgia and remains a resident of Georgia. Thus, the Plaintiff is a citizen of the State of Georgia.

7.

State Farm is a corporation organized under the laws of the State of Illinois, with its principal place of business in the State of Illinois. Thus, State Farm is a citizen of the State of Illinois.

8.

Because Plaintiff and State Farm are citizens of different States, complete diversity exists between Plaintiff and State Farm in accordance with 28 U.S.C. § 1332(a)(1).

9.

In Plaintiff's Complaint, Plaintiff seeks damages in the amount of \$66,207.44. *See* Complaint, Paragraph 17. Plaintiff seeks further bad faith damages in the "amount of fifty percent (50%) of the total compensatory damages awarded or \$5,00.00, whichever is greater[.]" *See* Complaint, Prayer for Relief. Plaintiff seeks further unspecified damages against State Farm, asking to recover "[a]ny and all multipliers" and "[a]ny and all other relief that the Court may deem just and proper[.]" *See* Complaint, Prayer for Relief. Accordingly, the amount in controversy, \$99,311.16, exceeds \$75,000.00, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a).

10.

Venue is proper in this Court for purposes of removal under 28 U.S.C. § 1441(a), but not necessarily for purposes of 28 U.S.C. § 1391 or any other applicable venue provision. By filing this Notice of Removal, State Farm does not waive any of its jurisdictional objections or affirmative defenses.

WHEREFORE, State Farm prays that this action proceed in this Court as an action properly removed pursuant to 28 U.S.C. § 1446, and that no further proceedings be had in said case in the Superior Court of Gwinnett County, Georgia.

This 19th day of January, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Mark T. Dietrichs

Mark T. Dietrichs

Georgia Bar No. 221722

*Attorney for Defendant State Farm Fire and
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CERTIFICATE OF SERVICE

I have this day electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF System. The clerk will serve opposing counsel as follows:

J. Remington Huggins
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Attorneys for Plaintiff

This 19th day of January, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Mark T. Dietrichs

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